

1 PO E. Sickles

2 Q Okay.

3 And after the shot was
4 administered, what happened next?

5 A I was out of the room. I was
6 asked to leave the room, and I was standing out
7 in the hallway, and at that point, several
8 minutes later, Dr. Levy walked out and I had
9 asked him -- I advised him that Mr. Bradway was
10 still in my custody, that I would have to stay
11 with him, and I asked him a time frame about,
12 you know, how long before he can -- he would be
13 able to leave.

14 Q And what did Dr. Levy say?

15 A He said it could be anywhere
16 from -- I believe what he said was "two days to
17 several weeks."

18 Q And did you ask or did Dr. Levy
19 tell you why it would be two days to several
20 weeks?

21 A No.

22 Q When you asked Dr. Levy how long
23 would it be, was it your understanding that it
24 would be a matter of hours?

25 A Yes, I believed.

1 PO E. Sickles

2 Q Okay.

3 So when Dr. Levy told you it would
4 be two days to a matter of weeks, did you say
5 anything to him in response to that?

6 A No. I believe I just separated
7 from him and advised my supervisor.

8 Q And your supervisor is Sergeant
9 Kiernan?

10 A Yes.

11 Q How did you advise him?

12 A I called him on the cell phone.

13 Q Before calling him on the cell
14 phone to advise him about the time frame at the
15 hospital, did you talk to him from the hospital?

16 A No.

17 Q Okay.

18 So you called Sergeant Kiernan?

19 A Yes.

20 Q What did you tell him?

21 A I advised him of the time frame
22 that Dr. Levy had let me know, and I said that
23 we would have to do something about possibly
24 releasing him.

25 Q What did Sergeant Kiernan say to

1 PO E. Sickles

2 you?

3 A He told me that the rest of
4 Mr. Bradway's property was here, that we would
5 just release him on a field appearance ticket
6 and put it with the rest of his property.

7 Q What is a "field appearance
8 ticket"?

9 A It's just a ticket advising you of
10 your charge and a date to appear in court.

11 Q After you spoke to Sergeant
12 Kiernan, did you speak with members of the
13 hospital staff, whether it be Dr. Levy or
14 someone else?

15 A Yes, I believe I spoke to
16 Dr. Levy.

17 Q What did you say to him?

18 A I recall asking him if he thought
19 Mr. Bradway would be a problem, and at that time
20 I believe he told me that they had induced a
21 coma.

22 Q Okay.

23 So when you said "a problem," what
24 did you mean by "a problem"?

25 A Like combatant, combatant with the

1 PO E. Sickles
2 staff or anything like that, a reason they would
3 need a police officer there.

4 Q Okay.

5 And other than telling you that
6 they had induced a coma, did Dr. Levy say
7 anything else?

8 A No. I told him that I would be
9 releasing the subject if he wasn't going to be a
10 problem, and I'd be leaving.

11 Q What did Dr. Levy say?

12 A That was fine.

13 Q At any point did Dr. Levy give you
14 any kind of medical diagnosis as to what was
15 wrong with Tony Bradway?

16 A No.

17 Q So after the conversation in which
18 Dr. Levy advised you that the hospital had
19 induced a coma, what did you do in the case?

20 A I left.

21 Q Do you recall approximately what
22 time that was?

23 A I don't.

24 Q You left. Where did you go?

25 A I came back to headquarters here,

1 PO E. Sickles

2 I believe.

3 Q What did you do when you got back
4 to headquarters with respect to Mr. Bradway?

5 A I believe I filled out the field
6 appearance ticket and put it with his property.

7 Q Now, the field appearance ticket,
8 would you have to physically hand that to an
9 arrestee?

10 A Under most circumstances, yes.

11 Q And were you intending to do that
12 in this circumstance?

13 A I was going to put it with his
14 property.

15 Q And that would stay at the police
16 station?

17 A Yes.

18 Q But when you filled it out, were
19 you -- at the time you were filling out the
20 appearance ticket, were you intending on
21 bringing it back to the hospital and presenting
22 it to Mr. Bradway?

23 A No.

24 Q Why is that?

25 A At that point I didn't know his

1 PO E. Sickles

2 condition. I wasn't -- and the property was
3 going to be kept here for safekeeping, and that
4 was -- at that time, was part of his property.

5 Q Is there some sort of protocol or
6 steps that you would take in a circumstance such
7 as this where the arrestee is left at the
8 hospital? Is it your obligation -- yours or
9 somebody else's -- to follow up with the
10 hospital or the doctor?

11 A I don't believe so. This is a
12 unique situation for me. I don't know.

13 Q Okay.

14 When you returned to headquarters
15 after leaving the hospital, did you speak with
16 Sergeant Kiernan about Mr. Bradway?

17 A I believe he was still here. I
18 believe, yes.

19 Q Do you recall what you spoke
20 about?

21 A Just all the events that occurred.

22 Q Okay.

23 And what in particular did you
24 speak about? I want to know the specific
25 conversation. Do you recall the sum and

1 PO E. Sickles

2 substance of the conversation, what you said to
3 him, what he said to you?

4 A I'm not sure. I know I spoke to
5 him about the Taser.

6 Q What did you speak with him about
7 the Taser?

8 A I told him that I drive-stunned
9 him with the Taser and that once I did it, the
10 second time he listened.

11 Q And what did Sergeant Kiernan say,
12 if anything, in response?

13 A I don't recall.

14 Q After you left the hospital, did
15 you have any conversations with any of the other
16 officers that were involved in the arrest of
17 Mr. Bradway? And I mean concerning, obviously,
18 Mr. Bradway's arrest and the circumstances
19 surrounding it.

20 A I couldn't say for sure.

21 Q Okay.

22 Obviously at some point you came
23 to know that Mr. Bradway had passed away;
24 correct?

25 A Yes.

1 PO E. Sickles

2 Q And do you recall when you found
3 that out?

4 A Later that night. I was home and
5 I got a phone call.

6 Q Who called you?

7 A Sergeant Kiernan.

8 Q Do you know how Sergeant Kiernan
9 found out?

10 A I believe -- I don't know.

11 Q Okay.

12 At the time that Sergeant Kiernan
13 called you that night, did you discuss the cause
14 of death?

15 A I don't recall. I'm sure that
16 came up. I can't say exactly, though.

17 Q Do you recall during that
18 conversation whether or not you or Sergeant
19 Kiernan or the police in general knew the cause
20 of death at that point?

21 A No.

22 Q Okay.

23 Did you have any reaction upon
24 hearing the news that Mr. Bradway had passed
25 away?

1 PO E. Sickles

2 A Yeah. It was upsetting.

3 Q Why was it upsetting?

4 MS. DEJONG: I object, but
5 go ahead and answer it.

6 A Mr. Bradway was in the second part
7 of the -- my dealings with him was cooperative,
8 and I was speaking to him, you know.

9 Q Okay.

10 After the date of the arrest, did
11 you ever speak to or interview anyone that was
12 at the house that day, the day of the arrest,
13 concerning Mr. Bradway?

14 A Personally, no.

15 Q Do you know who did?

16 A I believe Sergeant Kiernan did.

17 MR. TELESKA: Okay, mark
18 this 12, please.

19 (Plaintiff's Exhibit 12,
20 Southampton Town Police Arrest
21 Worksheet, was marked for
22 identification, as of this date.)

23 Q Officer Sickles, I'll show you
24 what's marked Plaintiff's Exhibit 12 (handing).

25 Do you recognize that document?

1 PO E. Sickles

2 A (Witness peruses document.)

3 Yes.

4 Q Is this your handwriting?

5 A No, it's not.

6 Q Do you know whose handwriting it
7 is?

8 A No, I do not.

9 Q Okay.

10 Can you tell me -- have you ever
11 seen this document before?

12 A Yes.

13 Q When do you recall first seeing
14 it?

15 A This specific document or the
16 paperwork itself?

17 MS. DEJONG: The form, or
18 the specific -- is that what you
19 mean?

20 MR. TELESKA: I mean this
21 specific document with this
22 writing on it.

23 A No, I don't believe so.

24 Q You have never seen this before?

25 A I don't believe so.

1 PO E. Sickles

2 Q And you don't know whose
3 handwriting this is?

4 A No.

5 MR. TELESKA: Would you
6 mark this 13, please.

7 (Plaintiff's Exhibit 13,
8 Field Appearance Ticket, was
9 marked for identification, as of
10 this date.)

11 Q Officer Sickles, I'll put before
12 you what's been marked Plaintiff's Exhibit 13
13 (handing).

14 Do you recognize that document?

15 A (Witness peruses document.)

16 Yes, I do.

17 Q Can you tell me what it is?

18 A Field appearance ticket.

19 Q In particular, do you recognize
20 this field appearance ticket?

21 A Yes.

22 Q And is this the field appearance
23 ticket that you filled out for Tony Bradway?

24 A Yes.

25 Q Okay.

1 PO E. Sickles

2 And other than this field
3 appearance ticket, did you fill out any other
4 paperwork in regard to Tony Bradway?

5 A A sup. report, a supplementary
6 report.

7 Q Anything else?

8 A I don't believe so.

9 MR. TELESKA: Mark this 14.

10 (Plaintiff's Exhibit 14,
11 Use of Force Report, was marked
12 for identification, as of this
13 date.)

14 MR. TELESKA: And 15,
15 please.

16 (Plaintiff's Exhibit 15,
17 Supplementary Report, was marked
18 for identification, as of this
19 date.)

20 Q Officer Sickles, I'll show you
21 what's been marked Plaintiff's Exhibit 14
22 (handing).

23 Do you recognize that document?

24 A (Witness peruses document.)

25 Yes.

1 PO E. Sickles

2 Q Can you tell me what that is?

3 A It's a Use of Force Report.

4 Q What is the purpose of a Use of
5 Force Report?

6 A It's a required document any time
7 we use any kind of force on a subject.

8 Q Okay.

9 If you look at Page 1, down --
10 it's the second line from the bottom, it says
11 "Condition of Defendant" and it's checked
12 "intox/drugs."

13 A Yes.

14 Q What does that mean,
15 "intox/drugs"?

16 A That he had taken some drugs.

17 Q Okay.

18 Does it mean he had taken drugs or
19 that he was intoxicated?

20 A Well, that he was intoxicated.

21 Q At what point did you come to know
22 that Mr. Bradway was intoxicated?

23 A Once I arrived at headquarters
24 here.

25 Q You mean after you left the

1 PO E. Sickles

2 hospital?

3 A No -- well, that's when I knew for
4 sure, after I left the hospital.

5 Q Okay, but you had a -- well, what
6 did you mean, when you arrived at headquarters
7 from Greenfield Road?

8 A When I came back to headquarters.

9 Q From where?

10 A From the hospital.

11 Q You knew for sure that --

12 A Yes.

13 Q -- that there was an intoxication?

14 A Yes.

15 Q How about before that, what did
16 you know?

17 A I knew that drugs were involved.

18 Q So you knew there was a potential
19 intoxication; is that fair to say?

20 A Yes.

21 Q Okay.

22 Okay, I'm going to show you now
23 what's been marked Plaintiff's Exhibit 15, and
24 just for the record, the exhibit sticker is on
25 the back of the document (handing).

1 PO E. Sickles

2 Officer Sickles, do you recognize
3 Plaintiff's Exhibit 15?

4 A (Witness peruses document.)

5 Yes.

6 Q Can you tell us what that is?

7 A A supplementary report.

8 Q Okay.

9 And just going back to 14, which
10 is the Use of Force Report, is it dated?

11 A Yes.

12 Q And the date is 6/9/2008?

13 A Yes.

14 Q Now, is that the date of the
15 incident concerning Tony Bradway?

16 A Yes.

17 Q And how do you know that?

18 A I'm looking at the supplementary
19 report.

20 Q So the supplementary report says
21 that the incident occurred on June 9, 2008?

22 A Yes.

23 Q Okay.

24 Do you recall filling out the Use
25 of Force Report the same day that Tony Bradway

1 PO E. Sickles

2 was arrested and eventually taken to the
3 hospital?

4 A I believe so.

5 Q Okay.

6 Now looking at Exhibit P-15, which
7 is your supplementary report, that's also dated
8 June 9, 2008; correct?

9 A Yes.

10 Q And is it customary to fill out
11 the supplementary report the date that an
12 incident occurs or does it depend?

13 A It depends.

14 Q In this case, since the report is
15 dated June 9th, does that mean you filled the
16 report out or created the report the date of the
17 incident?

18 A Yes.

19 Q Okay.

20 And this supplementary report,
21 this is what you reviewed yesterday?

22 A Yes.

23 Q Okay.

24 I'm going to ask you one or two
25 questions about it, so if you would just like to

1 PO E. Sickles

2 take a look at it again, feel free.

3 A Okay.

4 Q If you notice, halfway down it
5 says "At that time I deployed the X-26 Taser,
6 Serial No. X00-054571 and drive-stunned Bradway
7 in his right side in order to prevent the
8 subject from destroying the evidence or
9 ingesting a lethal dose of cocaine."

10 Do you see that?

11 A Yes.

12 Q What is a "lethal dose of
13 cocaine"?

14 A Too much cocaine for the body to
15 handle.

16 Q Okay.

17 Do you know in terms of some sort
18 of measurement how much a lethal dose is?

19 A No, I don't.

20 Q If you look maybe seven-eighths of
21 the way down or so, it says "Bradway advised the
22 medical staff who were tending to him that he
23 had swallowed about five grams of cocaine and
24 provided them with pedigree information."

25 Do you see that?

1 PO E. Sickles

2 A Yes.

3 Q Do you know if five grams of
4 cocaine is a lethal dose?

5 A I do not know for sure.

6 Q Okay.

7 While you were at the police
8 academy or at any other time during your
9 training as a police officer, did you ever
10 receive any instruction concerning what is
11 considered a lethal dose of cocaine?

12 A No.

13 Q Okay.

14 Do you know what circumstances led
15 you to write in your report that you "drive
16 stunned Mr. Bradway in order to prevent him from
17 either destroying evidence or ingesting a lethal
18 dose of cocaine"? I'm just trying to understand
19 why you chose the words "a lethal dose of
20 cocaine."

21 A What led me to put that in there?

22 Q Right. What facts and
23 circumstances led you to write in your report
24 that you wanted to prevent Mr. Bradway from
25 "destroying evidence or ingesting a lethal dose

1 PO E. Sickles

2 of cocaine"?

3 A Well, at no time did I know how
4 much cocaine he had.

5 Q Okay, so you don't know why you
6 chose the word "lethal"?

7 A No, I'm not sure.

8 MR. TELESKA: Okay, let's
9 mark 16 and 17.

10 (Plaintiff's Exhibit 16,
11 Arrest report, was marked for
12 identification, as of this date.)

13 (Plaintiff's Exhibit 17,
14 Prisoner Transaction report, was
15 marked for identification, as of
16 this date.)

17 Q Officer Sickles, I'm going to show
18 you what's been marked Plaintiff's Exhibit 16
19 (handing).

20 Do you recognize the form of this
21 document?

22 A (Witness peruses document.)

23 Yes.

24 Q What is it?

25 A Arrest report.

1 PO E. Sickles

2 Q Who generates this document? Who
3 creates it?

4 A Arresting officers.

5 Q Okay.

6 Now, this particular one that's
7 been marked P-16 relates to Tony Bradway;
8 correct?

9 A Yes.

10 Q Were you involved at all in the
11 creation of this arrest report concerning
12 Mr. Bradway?

13 A I don't recall.

14 Q Do you recall whether you provided
15 any of the information that's contained in this
16 report?

17 A I'm sure I did.

18 Q Okay, I just want to ask you a
19 couple questions about it.

20 Do you see where it says in the
21 first box entitled "Arrestee," it says
22 "Occupation," and it says "Framer"?

23 A Yes.

24 Q Did you provide that information
25 for this report?

1 PO E. Sickles

2 A I don't believe so.

3 Q Okay.

4 And if you look at the bottom, the
5 very last sentence in the last box, it says "The
6 defendant was transported to Peconic Bay Medical
7 Center for treatment and later released on
8 F.A.T. No. 14680."

9 Do you see that?

10 A Yes.

11 Q What does it mean to be
12 "released"?

13 A That you are no longer in our
14 custody.

15 Q Okay.

16 And is "F.A.T." the field
17 appearance ticket?

18 A Yes.

19 Q Okay.

20 And then if you look at, I guess
21 it's the last page -- or no, it's not the last
22 page -- let me just ask you, the last two pages
23 of this, are these part of the arrest report?

24 A No.

25 Q Okay.

1 PO E. Sickles

2 So it's my error to actually
3 include these as part of the arrest report?

4 A Yes.

5 MR. TELESKA: So for the
6 record, I'm going to tear off
7 these last few pages, so (taking
8 pages off exhibit) -- so
9 Plaintiff's Exhibit 16 is just
10 going to be a three-page report,
11 the first is titled "Arrest
12 Report," Page 2 is "Arrest
13 Report - Property Form," Page 3 is
14 "Arrest Report - Medical Form."

15 Q So I'm going to show you now
16 what's Page 3, it looks like it's Box 81, and it
17 says under "Comments" -- well, if you recall, do
18 you know whether you provided these comments?

19 A I don't recall.

20 Q Okay.

21 Other than you, who would have
22 provided the comments?

23 A Could have been the transporting
24 officer.

25 Q Okay.

1 PO E. Sickles

2 Were you the arresting officer for
3 Tony Bradway?

4 A Myself and my partner, yes.

5 Q So there does not necessarily have
6 to be one person that's the arresting officer?

7 A No.

8 Q Okay.

9 The first sentence of the comments
10 box, Box 81, says "The subject was observed
11 ingesting a quantity of cocaine."

12 Now, I just want to understand
13 your testimony from before. Did you observe
14 Mr. Bradway ingesting any quantity of cocaine
15 while you were at the Greenfield Road residence?

16 A Ingesting, no.

17 Q So this comment didn't come from
18 you, then?

19 A I don't believe so.

20 Q Okay.

21 Let me show you what was marked as
22 P-17 (handing).

23 Do you recognize this document?

24 A (Witness peruses document.)

25 Yes.

1 PO E. Sickles

2 Q What is it?

3 A A prisoner transaction report.

4 Q Why was this created?

5 A This is part of the arrest report.

6 Q Okay.

7 Now, it says here, "On

8 6/9/2008" -- do you see that? Those are the two
9 dates.

10 A Yes.

11 Q That was the date Tony Bradway was
12 arrested; correct?

13 A Uh-hum.

14 Q And the time "1628," I assume
15 that's 4:28 in the afternoon?

16 A Yes.

17 Q Okay.

18 And what does that time indicate?

19 A It indicates when the report
20 was -- the information was being put into the
21 system.

22 Q So it doesn't indicate the time he
23 was assigned to a cell or the time he was
24 released?

25 A It says that, but it's not

1 PO E. Sickles

2 necessarily what it is.

3 Q In this circumstance, at 1639,
4 Mr. Bradway, I assume was in the hospital
5 already?

6 A Yes.

7 Q Okay.

8 And what does it mean that he was
9 "assigned to a cell"?

10 A When we put somebody into the
11 arrest system, they have to be assigned here
12 first to be released. So that would be the time
13 that it was being put in.

14 Q But as a matter of fact,
15 Mr. Bradway wasn't assigned to a cell at
16 headquarters or any other detention facility?

17 A No.

18 Q Okay.

19 Do you know what happened with
20 Ms. Gianini? Was she arrested?

21 A Yes.

22 Q Was she taken to the hospital?

23 A No.

24 Q Did you ever speak with
25 Ms. Gianini after you found out that Mr. Bradway

1 PO E. Sickles

2 had passed away?

3 A No, I did not.

4 Q Did you ever speak with the woman
5 that you recalled as first name Tiffany? Did
6 you ever speak with her after you found out
7 Mr. Bradway had passed away?

8 A No.

9 Q How about Mr. Bow, did you ever
10 speak with him after you found out Mr. Bradway
11 passed away?

12 A Yes.

13 Q Did you speak with him about
14 Mr. Bradway?

15 A No.

16 Q Okay.

17 So just to be clear, after you
18 found out Mr. Bradway had passed away, you never
19 spoke with Mr. Bow about Mr. Bradway?

20 A No.

21 Q No, you did not speak with him?

22 A No, I did not speak with him about
23 that.

24 MR. TELESKA: Okay, let's
25 mark these as 18.

1 PO E. Sickles

2 (Plaintiff's Exhibit 18,
3 two-page document, was marked for
4 identification, as of this date.)

5 Q Officer Sickles, I'm going to show
6 you what's been marked as Exhibit P-18
7 (handing).

8 Do you recognize this document?

9 A (Witness peruses document.)

10 No, I do not.

11 MR. TELESKA: For the
12 record, P-18 is two pages. It's
13 Pages 55 and 56 from defendants'
14 document production.

15 Q Officer Sickles, do you recognize
16 the handwriting at the bottom of Page 1, which
17 is marked Page 55 of Plaintiff's Exhibit 18?

18 A No, I do not.

19 Q Do you recognize what appears to
20 be some sort of signature at the end of that
21 writing?

22 A Yes.

23 Q Whose signature is that?

24 A I'm not sure.

25 Q You don't recognize it?

1 PO E. Sickles

2 A No, I do not.

3 Q Okay.

4 Officer Sickles, during your time
5 as a police officer have you ever been suspended
6 or subject to any kind of disciplinary action?

7 A No.

8 Q During the time that you have been
9 a police officer have you ever had the occasion
10 to transport an arrestee directly to the
11 hospital instead of coming to headquarters?

12 A I believe so.

13 Q And after you found out that
14 Mr. Bradway had passed away, did you have any
15 conversations with any of the officers who were
16 involved in his arrest concerning the facts and
17 circumstances of that day, the date of his
18 arrest?

19 A Possibly Officer Cagno.

20 Q As you sit here today, do you have
21 a specific recollection of any conversations you
22 had with Officer Cagno concerning Tony Bradway
23 after you found out he passed away?

24 A Not specifically, but...

25 Q What do you recall?

PO E. Sickles

A I recall talking about the arrest.
I talk to Officer Cagno about every drug arrest
we make.

Q Right. He's your partner, so you
are with him all the time.

A Yes.

Q Okay.

But what in particular, if
anything, do you recall speaking to Officer
Cagno about?

A I don't recall exactly.

MR. TELESKA: Okay, I have
no further questions.

(Time noted: 12:14 p.m.)

A C K N O W L E D G M E N T

STATE OF NEW YORK)

:ss

COUNTY OF)

I, POLICE OFFICER ERIC SICKLES, hereby
certify that I have read the transcript of my
testimony taken under oath in my deposition of
May 24, 2010; that the transcript is a true and
complete record of my testimony, and that the
answers on the record as given by me are true
and correct.

POLICE OFFICER ERIC SICKLES

Signed and subscribed to before me this

day of

, 2010.

Notary Public, State of New York

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Eric Sickles	Mr. Telesca	4

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ERRATA SHEET FOR THE TRANSCRIPT OF:
 Case Name: Bradway v. Town of Southampton, Et Al
 Deposition Date: May 24, 2010
 Deponent: Police Officer Eric Sickles
 Place: 110 Old Riverhead Road
 Hampton Bays, New York

CORRECTIONS

PG	LN	NOW READS	SHOULD READ	REASON FOR
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Date _____ Signature _____
 Subscribed and sworn to before me
 this _____ day of _____ 2010.

 (NOTARY PUBLIC)

C E R T I F I C A T E

I, LORI ANNE CURTIS, a Notary Public in
and for the State of New York, do hereby
certify:

THAT the witness(es) whose testimony is
hereinbefore set forth, was duly sworn by me;
and

THAT the within transcript is a true
record of the testimony given by said
witness(es).

I further certify that I am not related,
either by blood or marriage, to any of the
parties in this action; and

THAT I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 5th day of June, 2010.

Lori Anne Curtis

LORI ANNE CURTIS